

HARASSMENT & DISCRIMINATION POLICY

1408. Non-discrimination:

It is the law and the policy of the City of Ponca City that each qualified individual, regardless of (1) race, (2) gender, (3) age, (4) color, (5) national origin, (6) religion, (7) pregnancy or (8) handicap shall have an equal opportunity with all others in their employment, retention, promotion, and all other employment benefits offered by the City. It is not only the responsibility of the City to prevent such discrimination, but it is also the responsibility of its employees and supervisory personnel to prevent and report discrimination.

01. Harassment in General Prohibited

Harassment is a form of discrimination. Harassment is unwelcome conduct intended to disturb or upset, to annoy continually or chronically; or which has the effect of disturbing, upsetting or continually or chronically annoying a reasonable person.

Harassment is a form of prohibited discrimination. It further, is the City of Ponca City's belief and policy that harassment is a form of employee misconduct that undermines the integrity of the employee/employer relationship and diminishes the work product of its employees. The City believes that all employees have a right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive. Anyone engaging in harassing conduct will be subject to discipline, ranging from a warning to termination.

Harassment includes repeatedly sending persons unwelcome and unsolicited emails, text messages or other forms of electronic communication containing text or pictures or creating public postings about a person which a reasonable person would consider intimidating, hostile or abusive.

Harassment of another employee which is based on or stems from the other employee's race, gender, age, color, national origin, religion and handicap is a form of employment discrimination that violates the law and is prohibited of city employees at any level.

02. Harassment Violating Legal Rights

Harassment is unwelcome conduct. Harassment of another employee that is based on or

stems from the other employee's race, gender, age, color, national origin, religion, pregnancy and/or handicap is a form of illegal discrimination, is against the law and against the policy of the City. Action(s) are harassment where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or common enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive.

While it is impossible to list all the ways the human mind can create to hurt, disadvantage, embarrass, single out, call attention to or demean (put down) someone because of their race, color, religion, gender, national origin, age, pregnancy or handicap, the below is a small list of some common means of harassing someone because of these characteristics:

- Failing to hire, promote or otherwise make employment benefits available to an employee because of the employee's race, color, religion, gender, national origin, age, pregnancy or handicap;
- Making an employee the object butt of jokes based on the employee's race, color, religion, gender, national origin, age, pregnancy or handicap;
- Singling out the employee to always be the one who gets the least desirable work or schedule, because of the employee's race, color, religion, gender, national origin, age, pregnancy or handicap;
- Creating unwelcome or demeaning nicknames based on the employee's race, color, religion, gender, national origin, age, pregnancy or handicap;
- Making reference to the employee's race, color, religion, gender, national origin, age, pregnancy or handicap when assigning work;
- Disparaging (putting down) the employee based on the employee's race, color, religion, gender, national origin, age, pregnancy or handicap;
- Making derogatory remarks about the employee based on the employee's race, color, religion, gender, national origin, age, pregnancy or handicap;
- Making snide or derogatory or stereotypical remarks about the employee's race, color, religion, gender, national origin, age, pregnancy or handicap;
- Using derogatory slang or stereotypes in referring to race, color, religion, gender, national origin, age, pregnancy or handicap.

Anyone engaging in harassing conduct, whether it be because of race, color, religion, gender, national origin, age, pregnancy or handicap, or otherwise, will be subject to discipline, ranging from a warning to termination.

032. Sexual Harassment

Sexual Harassment is a form of discrimination based on an employee's gender (male or female). Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature is sexual harassment when this conduct directly or indirectly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment. Sexual harassment is any unwanted physical, verbal or visual sexual advances, requests for sexual favors, and other sexually oriented conduct, which is offensive or objectionable to the recipient, including, but not limited to name calling, epithets, derogatory or suggestive comments, inappropriate/unwelcome comments about a person's body, nicknames based on a person's gender or sexual attributes, admiring/leering visual inspections up and down a person's body, slurs or gestures and offensive posters, cartoons, pictures or drawings, frequent touching-- irrespective of the part of the body touched, blocking someone's path so they cannot get past you without rubbing against you and other behaviors which creates a hostile or offensive work environment which threatens, coerces or intimidates a victim arising from the victim's gender. Sexual harassment is also the making demands or requests for sexual favors in exchange for promotions, improved working conditions, better evaluations, better work scheduling or other job benefits. It can also be the reverse of this by the demanding or requesting of sexual favors in exchange for not taking some action which would negatively (adversely) affect someone in their job.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee such as an

advisory board member, volunteer, contractor or someone working for another employer who comes into contact with a city employee. Anyone engaging in sexually harassing conduct will be subject to discipline, ranging from a warning to termination.

.043 What to do if Discriminated Against or Harassed

- A. **Tell the offending employee what actions are offensive to you and to not do them again. If the offending employee does not honor your request, then immediately and within 3 days report what is going on to someone in your chain of command whom you trust or to the Human Resources Department. Employees and supervisory personnel are required to bring instances of discrimination/harassment to the attention of their supervisor, department head or the Human Resources Department for investigation.** If the individual continues the conduct after you have reported it to someone in your chain of command, then report it immediately to the Human Resources Department. If possible, it would be good to write down what has occurred and give a copy of that document to the person to whom you make your complaint.
- B. **Employees who witness what may be harassing conduct:**
Individuals who believe they have been subjected to discrimination or who have witnessed discrimination should, should immediately and within not more than three days, bring the matter to the attention of someone in their chain of command whom they trust or to the Human Resources Department. If the employee witnesses continuing inappropriate conduct after reporting it to someone in their chain of command, (department head, supervisor) they shall report it immediately who will refer the matter to the Human Resources Department for investigation. If for any reason, the

employee feels they cannot report the matter to their department head, supervisor, etc. then the employee shall report the matter directly to The Human Resources Department which shall make an independent inquiry into any allegations.

All allegations of discrimination will be immediately investigated. Time is of the essence in these investigations so that other witnesses may be questioned and so that facts, dates, locations and the specifics of the discrimination are fresh in the minds of employees. It is thus very important that discrimination reports be made very soon after the event or it will often affect the quality of the investigation and corrective action that can be taken.

- C. The City recognizes that employees may feel embarrassed or scared to report instances of discrimination or harassment/sexual harassment, especially if it involves a supervisor. We urge employees not to just "put up with" discrimination or harassment. The City ***does not want*** its employees subjected to discrimination or harassment of any kind. If someone reports discrimination or harassment, the City will not make the report public within the work force or its facts subjects of gossip in the work force. Obviously, the City's investigation will often times require questioning of the alleged abuser, the employee's supervisor and other employees with whom either the victim or the alleged abuser associated at work or who may have witnessed improper actions, but to all extent possible consistent with the facts, the City will endeavor the keep the matter confidential within supervisory ranks.
- D. Anyone engaging in discriminating/harassing conduct will be subject to discipline, ranging from a warning to termination.